

RESOLUTION NUMBER 15-127

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA REGARDING CERTAIN TAX ABATEMENT DEDUCTIONS FOR DURAMARK TECHNOLOGIES, LLC

WHEREAS, pursuant to Indiana Code 6-1.1-12.1-1, *et. seq.* (the “Act”), the City of Westfield, Indiana (the “City”) by and through its Common Council acting in its capacity as the fiscal body of the City and acting as the designating body identified in the Act (the “Council”) has the right and opportunity to abate the payment of real property taxes for real estate located within an area declared by the Council to be an Economic Revitalization Area and to also abate the payment of personal property taxes within the Economic Revitalization Area;

WHEREAS, pursuant to the Act, the Council may find that a particular area within the jurisdiction of the City is an Economic Revitalization Area and may by adoption of a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;

WHEREAS, the Council adopted its Resolution Number 15-122 (the “Declaratory Resolution”) on September 14, 2015 pursuant to the Act declaring the area as an Economic Revitalization Area (the “Area”) in which property owners making application to the City pursuant to the Act subsequently approved by this Council pursuant to the Act may receive real property tax abatement and/or personal property tax abatement pursuant to the applicable procedures of the Act;

WHEREAS, the Council, after following all applicable procedures of the Act, took final action adopting Resolution Number 15-126 (the “Confirmatory Resolution”) on October 12, 2015 confirming the Declaratory Resolution, thereby establishing an Economic Revitalization Area.

WHEREAS, DuraMark Technologies, LLCC (the “Applicant”) has filed with this Council a Statement of Benefits, Real Property (Form SB-1/RP) (“Form SB-1”) attached hereto as Exhibit C which describes the proposed project (the “Project”) to be installed at the location commonly known as 16450 South Park Drive, Westfield, Indiana, more particularly described in Exhibit A attached hereto and made a part hereof which is also shown on the map attached hereto as Exhibit B, by the Applicant, in order to receive real property tax abatement for the Project;

WHEREAS, the Project includes the relocation of the Applicant’s headquarters;

WHEREAS, this Council has reviewed the Form SB-1;

WHEREAS, the improvement of the Area will be of public utility and will be to the benefit and welfare of the citizens and taxpayers of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
THE CITY OF WESTFIELD, INDIANA AS FOLLOWS:**

SECTION I. The proposed Project will be located in the Area which has been confirmed as an economic revitalization area pursuant to the Act.

SECTION II. Based upon the information in the Form SB-1, this Council makes the following findings:

- (1) The estimate of Two Million One-Hundred Thirty-Four Thousand Dollars (\$2,134,000) as the assessed value of the Project is reasonable.
- (2) The estimate of Forty-Five (45) individuals whose employment will be retained can be reasonably expected to result from the proposed Project.
- (3) The estimate of Three Million Two-Hundred Thousand Dollars (\$3,200,000) for the aggregate annual salaries of those individuals whose employment will be retained can be reasonably expected to result from the proposed Project.
- (4) The estimate of hiring Eighteen (18) new individuals who will be employed through term of the abatement period can be reasonably expected to result from the proposed Project.
- (5) The estimate of Eight-Hundred Ten Thousand Dollars (\$810,000) for the aggregate annual salaries without benefits of those individuals who will be employed can be reasonably expected to result from the proposed Project.
- (6) The other benefits about which information has been presented to this Council are benefits that can be reasonably expected to result from the proposed Project.
- (7) The totality of benefits is sufficient to justify the granting of a ten (10) year real property tax abatement to the Applicant.

SECTION III. The Form SB-1 submitted by the Applicant is approved.

SECTION IV.

Real property tax deductions for the Project are hereby approved. The period for real property tax deductions under the Act for the Project shall be ten (10) years, utilizing the following schedule:

Year 1 – 100%
Year 2 – 90%
Year 3 – 80%
Year 4 – 70%
Year 5 – 60%
Year 6 – 50%
Year 7 – 40%
Year 8 – 30%
Year 9 – 20%
Year 10 – 10%

SECTION V.

Pursuant to the Act, the Council shall cause to be filed a certified copy of this Resolution with the Hamilton County Auditor.

SECTION VI.

This Resolution shall be in full force and effect immediately upon its adoption.

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ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _th DAY OF _____, 2015.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Chuck Lehman

Chuck Lehman

Chuck Lehman

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Kevin M. Todd

I hereby certify that RESOLUTION 15-127 was delivered to the Mayor of Westfield on the _____ day of _____, 2015, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 15-127
This _____ day of _____, 2015

I hereby VETO Resolution 15-127
This _____ day of _____, 2015

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

Prepared By:
Kevin M. Todd, AICP, Senior Planner
Economic and Community Development Department
City of Westfield, Indiana

EXHIBIT A

Legal Description

Lot 1A of the Secondary Replat of Lot 1 of the West Oak Subdivision (Instrument No. 2015045200).

EXHIBIT C

Statement of Benefits Form



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

20__ PAY 20__

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1-12-1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer DURAMARK TECHNOLOGIES, INC		
Address of taxpayer (number and street, city, state, and ZIP code) 209 E 175th ST.		
Name of contact person Bill Bussick	Telephone number (317) 413-3888	E-mail address bill@duramarkusa.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body WESTFIELD CITY COUNCIL		Resolution number
Location of property 16450 SOUTH PARK DR, WESTFIELD	County HAMILTON	DLGF taxing district number
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) NEW CONSTRUCTION OF DURAMARK HQ QUARTERS. 18,000 SQ FT OF OFFICE AND PRODUCTION SPACE		Estimated start date (month, day, year) 9/30/15
		Estimated completion date (month, day, year) 3/15/16

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
45	\$3,200,000	45	\$3,200,000	18	\$810,000

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	\$156,250	
Plus estimated values of proposed project	2134,000	
Less values of any property being replaced	3	
Net estimated values upon completion of project	2290,250	

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) 0	Estimated hazardous waste converted (pounds) 0
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Other benefits
DURAMARK BUILDING SITE IS ONE OF THREE BUILDING SITES IN THE PROJECT. SITE TWO HAS A LOT SIGNED AND SHOULD CLOSE BY 10/3/15. SITE THREE SHOULD CLOSE EARLY IN 2016.

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative 	Date signed (month, day, year) 9/7/15
Printed name of authorized representative WILLIAM W. BUSSICK	Title PRESIDENT

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (*see below*). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate improvements Yes No
 - 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (*specify*) _____
- E. Number of years allowed: Year 1 Year 2 Year 3 Year 4 Year 5 (* see below)
 Year 6 Year 7 Year 8 Year 9 Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 Yes No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)
Printed name of authorized member of designating body	Name of designating body	
Attested by (<i>signature and title of attester</i>)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

**IC 6-1.1-12.1-17
Abatement schedules**

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
 - (2) The number of new full-time equivalent jobs created.
 - (3) The average wage of the new employees compared to the state minimum wage.
 - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.